



**Service of Process
Transmittal**

02/28/2014
CT Log Number 524486957

TO: Debra David, Paralegal
The TJX Companies, Inc.
770 Cochituate Road
Framingham, MA 01701

RE: Process Served in Virginia

FOR: The TJX Companies, Inc. (Domestic State: DE)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Linda Sinowitz, Pltf. vs. The TJX Companies, Inc., etc., Dfts.
DOCUMENT(S) SERVED: Summons, Complaint, First Request
COURT/AGENCY: Norfolk City Circuit Court, VA
Case # 710CL1400077500
NATURE OF ACTION: Personal Injury - Failure to Maintain Premises in a Safe Condition - 04/20/2014 - T J
Maxx - 770 Cochituate Road, Framingham, MA 01701 - Seeking \$1,000,000.00
ON WHOM PROCESS WAS SERVED: C T Corporation System, Glen Allen, VA
DATE AND HOUR OF SERVICE: By Process Server on 02/28/2014 at 13:30
JURISDICTION SERVED: Virginia
APPEARANCE OR ANSWER DUE: Within 21 days after service
ATTORNEY(S) / SENDER(S): Daniel M. Schieble
Pender & Coward, P.C.
222 Central Park Ave.
#400
Virginia Beach, VA 23462
757-490-6262
ACTION ITEMS: CT has retained the current log, Retain Date: 02/28/2014, Expected Purge Date:
03/05/2014
Image SOP
Email Notification, Debra David debra_david@tjx.com
SIGNED: C T Corporation System
PER: Lisa Uttech
ADDRESS: 4701 Cox Road
Suite 285
Glen Allen, VA 23060
TELEPHONE: 804-217-7255

Scan + send to Darryl

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File 201 140

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COMMONWEALTH OF VIRGINIA



NORFOLK CIRCUIT COURT
Civil Division
100 ST. PAUL'S BOULEVARD
NORFOLK VA 23510
(757) 664-4387

Summons

To: THE TJX COMPANIES
RA: EDWARD R. PARKER
5511 STAPLES MILL RD.
RICHMOND VA 23228

Case No. 710CL14000775-00

The party upon whom this summons and the attached complaint are served is hereby notified that unless within 21 days after such service, response is made by filing in the clerk's office of this court a pleading in writing, in proper legal form, the allegations and charges may be taken as admitted and the court may enter an order, judgment, or decree against such party either by default or after hearing evidence.

Appearance in person is not required by this summons.

Done in the name of the Commonwealth of Virginia on, Wednesday, February 05, 2014

Clerk of Court: GEORGE E. SCHAEFER III

by 
(ROBERT W. DRISKELL, DEPUTY CLERK)

Instructions:

Hearing Official:

Attorney's name: SCHIEBLE, DANIEL M
757-490-6262

SERVED BY
DRISKELL SERVICES, INC.
757-961-6961

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF NORFOLK

LINDA SINOWITZ,

Plaintiff,

v.

CASE NO.: CL14- 715

THE TJX COMPANIES, INC. d/b/a
T. J. MAXX,

Defendant.

SERVE: → The TJX Companies, Inc. d/b/a T. J. Maxx
c/o Edward R. Parker, Registered Agent
5511 Staples Mill Rd.
Richmond, VA 23228

COMPLAINT

COMES NOW the plaintiff, Linda Sinowitz ("Sinowitz"), by counsel, and moves the court for entry of a judgment and award of execution against the defendant, The TJX Companies, Inc. d/b/a T. J. Maxx ("TJ Maxx"), for judgment and award of execution in the sum of One Million Dollars (\$1,000,000.00), pre-judgment interest and taxable costs for this, to-wit:

1. Plaintiff Sinowitz is a resident and domiciliary of the Commonwealth of Virginia living in the City of Virginia Beach, Virginia.
2. On or about April 20, 2012, Sinowitz was an invitee on the TJ Maxx premises located in the City of Virginia Beach, Virginia conducting herself in a lawful manner.
3. Upon information and belief, The TJX Companies, Inc. d/b/a T. J. Maxx is a Massachusetts corporation with its principal place of business located at 770 Cochituate Road, Framington, MA 01701, which conducts business in the Commonwealth of Virginia and which caused tortious injury in the Commonwealth of Virginia.

4. Venue is proper in the City of Norfolk, Virginia pursuant to Va. Code § 8.01-262 because TJ Maxx regularly conducts substantial business activity in the City of Norfolk from its business located at 5900 E. Virginia Beach Boulevard, Norfolk, Virginia 23502 and its Marshall's Store located in the Wedgewood Plaza Shopping Center, 1855 E. Little Creek Road, Norfolk, VA 23518 and there exists a practical nexus to the forum, to-wit: *inter alia*, fact witnesses and treating healthcare providers of the plaintiff reside in and/or are located in the City of Norfolk, Virginia.

5. On the date and at the place aforesaid, TJ Maxx, by and through its employees and agents acting within the scope of their employment, failed to use ordinary care to render its premises reasonably safe for Sinowitz's visit.

6. On the date and at the place aforesaid, TJ Maxx negligently, carelessly and recklessly allowed to exist on and upon said premises, without timely notice or warning to Sinowitz, a dangerous and unsafe condition which was known to TJ Maxx or should have been known to TJ Maxx upon the exercise of reasonable care.

7. On the date and at the place aforesaid, Sinowitz was entitled to assume that TJ Maxx's premises were reasonably safe for her visit.

8. On the date and at the place aforesaid, TJ Maxx negligently designed, constructed, maintained and operated the premises aforesaid in that it allowed a broken, unsafe, sharp, jagged edge of a defective row of chairs to be present on and upon the premises which were dangerous and defective.

9. As the operator of the premises aforesaid, a place of business to which the general public is invited, TJ Maxx, its agents and employees, had a duty to maintain the premises in a reasonably safe condition, to make reasonable inspections to determine whether any defects

existed; and to warn the public in general, and Sinowitz in particular, of any such latent defects known to it, its agents and employees.

10. Notwithstanding the duties aforesaid, TJ Maxx, its agents and employees, negligently designed, constructed, maintained, created and operated the premises which patrons of TJ Maxx customarily used for ingress and egress upon the premises, to include shopping for merchandise, although TJ Maxx's agents and employees knew, or in the exercise of reasonable care should have known that the aforesaid premises were defective and dangerous.

11. On or about April 20, 2012, Sinowitz was an invitee of the premises aforesaid. While on and upon the premises and while shopping in the TJ Maxx store, its aisles were defective because, *inter alia*, they failed to comply with common law, statutory, building code and industry requirements in effect at the time and, as a proximate result thereof and the hidden jagged metal edge of the broken and unsafe row of chairs, she sustained serious and permanent injury.

12. As a direct and proximate result of the negligence, carelessness and recklessness of TJ Maxx, Sinowitz sustained severe and permanent injury; was subjected to great pain and suffering; has incurred and will in the future incur hospital, doctors', surgical and related bills in an effort to be cured of said injuries; will be subjected to pain and suffering in the future; has sustained permanent disfigurement and deformity; and has sustained emotional disturbance and mental anguish and will continue to suffer great pain of mind as the result of the fright and shock proximately caused by TJ Maxx.

13. Sinowitz demands interest at the legal rate pursuant to Va. Code § 8.01-382, (1950), as amended from April 20, 2012 until the judgment is paid in full.

WHEREFORE, plaintiff, Linda Sinowitz, demands judgment and an award of execution against the defendant, The TJX Companies, Inc. d/b/a T. J. Maxx, in the sum of One Million Dollars (\$1,000,000.00) with interest at the legal rate from April 20, 2012 until paid and her costs expended in this action.

PLAINTIFF DEMANDS TRIAL BY JURY.

LINDA SINOWITZ

By: 

Of Counsel

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